

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Austin Black Elk, Michael Dewayne Perseke,
Michael Whipple, Shannon D. Hollie,
Mark Dunker, Gary Spikcer, Rodney Thundercloud,
Thomas Milton, Justin Jacobson, August Kingbird,
Nick Olson, Guy I. Green, Jamie Allen Andrews,
Terrance L. Holliday, and all others similarly
situated,

Civil No. 18-3255 (DWF/LIB)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Thomas Roy; Emily Johnson Piper; Nancy
Johnston; Lori Swanson, Minnesota Attorney
General; Minnesota Sentencing Commission;
and/or Jane and John Does, in their official
and individually [sic] capacities,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated February 5, 2019. (Doc. No. 8.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois's February 8, 2019 Report and Recommendation (Doc. No. [8]) is **ADOPTED**.
2. Plaintiffs Michael Dewayne Perseke, Michael Whipple, Shannon D. Hollie, Mark Dunker, Gary Spicer, Rodney Thundercloud, Thomas Milton, Justin Jacobson, August Kingbird, Nick Olson, Guy I. Green, Jamie Allen Andrews, and Terrance L. Holliday are **DISMISSED WITHOUT PREJUDICE** from this action.
3. Thirteen separate new proceedings shall be initiated, one each for Plaintiffs Michael Dewayne Perseke, Michael Whipple, Shannon D. Hollie, Mark Dunker, Gary Spicer, Rodney Thundercloud, Thomas Milton, Justin Jacobson, August Kingbird, Nick Olson, Guy I. Green, Jamie Allen Andrews, and Terrance L. Holliday.
4. The Complaint, (Doc. No. [1]), used to initiate this action shall be used to initiate the separate actions;
5. Each of the fourteen Plaintiffs shall file an amended pleading that presents their individual claims specifically as they related to that individual Plaintiff.
6. Each of the fourteen individual Plaintiffs shall submit a new individualized application to proceed in forma pauperis in their individualized action.

7. A copy of this Order adopting this Report and Recommendation shall be filed in the present case, as well as, each of the new individualized actions.

Dated: February 22, 2019

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge